

**REGULAR MEETING – BOARD OF DIRECTORS  
BLUEFIELD, MERCER COUNTY, WEST VIRGINIA  
November 24, 2015  
Noon**

A regular meeting of the Board of Directors of the City of Bluefield, Mercer County, West Virginia was held on Tuesday, November 24, 2015 at noon in the Municipal Building Boardroom. Present were Mayor Thomas J. Cole, Vice Mayor Barbara Thompson Smith, Director Ellen Light, Director Michael Gibson and Director Chuck McGonagle; City Manager Dane Rideout, Assistant City Manager Josh Cline, City Attorney Brian Cochran, City Treasurer Kelly Davis, Community and Economic Development Director Jim Spencer and City Clerk Bobbi Kersey.

**INVOCATION – PLEDGE OF ALLEGIANCE – CALL TO ORDER**

Vice Mayor Barbara Thompson Smith invoked divine guidance for the conduct of the meeting and led the Pledge of Allegiance to the Flag of the United States of America.

Mayor Thomas J. Cole called the meeting to order.

**APPROVAL OF THE MINUTES**

Upon motion and second the minutes of the November 10, 2015, Regular Board of Directors Meeting were approved without correction.

**CITY MANAGER REPORT: DANE RIDEOUT**

**United States District Court Southern District of West Virginia** issued a press release regarding a telephone scam targeting citizens in the Southern District threatening prosecution for failing to appear for jury service in federal court. These calls are not from real court officials. Our court does not call jurors asking for fine payments, credit card numbers, or any other personal information.

**New Trash Truck** will be on the road tomorrow. The new truck has many new safety features and operators have been trained in operating the equipment. The Board is doing exactly what they said with the service fee increase; upgrading equipment. The Board and city administration thanked the citizens of Bluefield for making an investment in the city.

**City Engineer Tony Wagner** is working with AEP concerning electrical issues with the downtown streetlights. It has been determined that a lightning strike(s) and a fire may have caused several shorts in the streetlights. The Bluefield Fire Department, Bluefield Public Works, and City Engineer have a detailed snow removal plan in place. The first of the new snow plows should soon arrive plus the two new main lines purchased from surplus equipment.

**Public Works** has picked up fifty-three loads of leaves. Please remember not to rake leaves into the street and to keep storm drains clean. The best way to request leaf removal is to write information on the Fix it Bluefield App. City Manager Rideout stated leaf pick up is a service provided free of charge. Many cities still charge for this service. Please consolidate requests for pick up instead of requesting multiple visits.

**Code Enforcement** is in the process of interviewing for the animal control officer position. A recommendation should be coming this week.

**Building Commission** reported thirteen houses are now ready for demolition. Bluefield Gas Company is now doing a search and seize on the sites.

**Recreation Department** will begin youth basketball in December. To date over three hundred individuals have signed up to participate. Holiday of Lights begins Thursday, November 26<sup>th</sup>. Saturday, December 5<sup>th</sup> will be the 5k Challenge at 4:30 p.m.

**Human Resources Department** conducted supervisor training on topics including interviewing, wage and hour issues, Fair Labor Standards Act, the Americans with Disability Act, the Family Medical Leave Act. Angie Foley does a great job keeping employees in compliance with wages, insurance and benefits.

**Bluefield Fire Department** has prepared the Christmas lights at Rotary Park. The lighting will be December 2<sup>nd</sup> at 6:00 p.m.

**Downtown Parking** has been finalized and signage will soon be placed in designated areas. Parking meters will not be pursued at this time and code enforcement will monitor the downtown area.

**Fire Station No.2**, on Bland Road, is being turned into a police substation. Detectives and the new K-9 units will utilize this location. The new station will provide expanded police presence, increase police response time, and will help address overcrowding issues at the Bluefield Police Department.

**2016 Calendar** was presented to the Board for review and consideration. The City Manager would like to make a city schedule available to citizens so they can be aware of trash collection and other city events. Topics discussed:

- City Manager Rideout would like to change to a four-day trash collection schedule, Tuesday – Friday.
- City Attorney Brian Cochran stated consideration of sequential board meeting dates should be made when approval of ordinances are brought before the Board.
- There was a discussion about having a Board meeting on December 22<sup>nd</sup>. Mayor Cole said he was not opposed in not having a meeting December 22<sup>nd</sup> due to the Board having an extra meeting (Town Hall Meetings) on months that have five Tuesdays. **Director Michael Gibson made a motion not to have a Board of Directors meeting on December 22, 2015, second; unanimously approved and so ordered.**
- **Director Ellen Light made a motion to close City Hall on December 24<sup>th</sup> and 25<sup>th</sup> and make it a paid holiday.** Mayor Cole stated he was not opposed to City Hall being closed on December 24<sup>th</sup> but felt it should not be a paid day off for employees and would like the opportunity for more discussion. City Attorney Brian Cochran stated if December 24<sup>th</sup> is considered a holiday it would be an expense for the city and recommended this item be placed on the next agenda. City Attorney Cochran said he felt there was a difference between giving employees the day off and declaring the day a holiday. **Director Ellen Light withdrew her motion.** The Board will make a decision at the December 8<sup>th</sup> Board Meeting.

### **Economic Development Director Jim Spencer**

Business Appreciation Day is scheduled November 28<sup>th</sup>. A Business Appreciation breakfast will be followed by three special events:

1. Selfie Contest sponsored by First Community Bank
2. Scavenger Hunt sponsored by First Century Bank
3. Passport to Local Businesses

The day will close at the Holiday of Lights.

Community and Economic Development Director Jim Spencer and Intern Haley Robinson are in the process of making a short video interview with the twenty-four businesses that are participating in Business Appreciation Day. The videos were edited by Intern Erica Farrington. Community and Economic Development Director Spencer shared several of the videos and announced they would be on social media and used as a marketing tool. He believes this will be a positive showing of Bluefield. Director Spencer

reminded citizens that the rules followed were those of American Express and the city may change next year's Business Appreciation Day to include more businesses.

**City Ambassador Marie Blackwell** stated the State of West Virginia's tourism site ([gotowv.com](http://gotowv.com)) just posted a listing of nine (9) mountain light festivals on their website. Bluefield's Holiday of Lights is listed second on the list, behind Oglebay Park. Kudo's to Parks and Recreation Director Charles Ridlehuber, his team, all the city workers and volunteers that made this event happen. City Ambassador Blackwell gave the following tourism dates she will be involved in during the next few weeks:

- Friday, November 27<sup>th</sup> – Visitors from Pipestem State Park to visit Holiday of Lights
- Saturday, December 5<sup>th</sup> – Visitors from Pipestem State Park to attend Summit Theater production of *The Best Christmas Pageant Ever*.
- Thursday, December 10<sup>th</sup> – A motor coach, with visitors from Beckley, will take a historic home tour in Bramwell, be welcomed to Bluefield by City Manager Rideout at the Clover Club prior to a Four (4) Pals Production and conclude with a Trolley Ride through the Holiday of Lights.

City Ambassador Blackwell is working with AAA Bluefield on a regional tour of the area.

### **PUBLIC COMMENTS:**

**Art Riley, representing the Downtown Merchants Association**, thanked City Manager Rideout and staff for taking care of the downtown parking problems. He also thanked Community and Economic Development Director Spencer and his staff for Small Business Saturday. Mr. Riley invited all citizens to attend the Christmas Parade on December 12<sup>th</sup>. Members of Boards and Commissions are invited to ride the Trolley and BAT bus in the parade.

**Charles Blankenship, Bluefield citizen**, stated this was an exciting time in Bluefield. Mr. Blankenship said he was thankful for many things such as all the city department workers, the staff, the administration, the new garbage truck and the beautiful Christmas decorations.

**Joseph Hodge, Sr., Bluefield citizen**, voiced concern regarding the speed limit signage located on Bluefield/Princeton Avenue. If traveling one direction, the speed is posted at 25mph; however, if traveling the other direction, the speed limit is posted at 35mph. Mr. Hodge stated he would like clarification on where the business district was located. Mayor Cole stated Bluefield Avenue is a state maintained road and the state is responsible for the signage. Director Light questioned if the city was responsible for the speed limit and are there restrictions. City Attorney Brian Cochran said there are state and city restrictions. City Attorney Cochran said he felt the issue was the location of the signs. The Department of Highways will be contacted concerning this matter.

### **ACTION ITEMS**

**City Treasurer Kelly Davis** provided documentation to approve eighty-eight (88) accounts for collection for a total of \$66,939.46. **Director Ellen Light made a motion to send the accounts to collections, second; unanimously approved and so ordered.**

Mayor Cole read the **Second reading of AN ORDINANCES TO AMEND PART II, CODE OF ORDINANCE OF THE CITY OF BLUEFIELD, CHAPTER 32, SOLID WASTE; ARTICLE II, GARBAGE COLLECTION, FEES, PROHIBITED ACTS; SECTION 32-22, COLLECTION BY CITY OR PRIVATE COLLECTIONS ONLY, AS SET OUT HEREINAFTER BY THE AMENDMENT TO SUBSECTION (b)**. City Attorney Brian Cochran stated this ordinance was to place an eight (8) bag (32gal) limit for garbage put out on a weekly basis. If there are more than the maximum limit citizens have the option to call for special trash services. **Vice Mayor Barbara Thompson Smith made a motion to approve the First reading of AN ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, CHAPTER 32, SOLID WASTE; ARTICLE II,**

**GARBAGE COLLECTION, FEES, PROHIBITED ACTS; SECTION 32-22, COLLECTION BY CITY OR PRIVATE COLLECTORS ONLY, AS SET OUT HEREINAFTER BY THE AMENDMENT TO SUBSECTION (b).** Director Chuck McGonagle stated he would like to table the motion for further discussion and information. Director Ellen Light stated this was the ordinance to set forth only to allow eight – thirty-two gallon bags of garbage and if a citizen had more garbage they should call for special garbage service. City Manager Rideout said currently our code does not define the difference between normal trash and special trash pickup. There are individuals that don't live within the city that are dropping off their trash. City Manager Rideout checked with Lusk Disposal, which has a six bag limit, for individuals living outside the city limits. If an individual goes over the six bag limit, Lusk Disposal will charge (\$1.50) for each additional bag and it is automatically added to their bill. Another problem with lack of definition in our present code pertains to renters who vacate and put everything (sofas, chairs, etc.) out for pickup. Code Enforcement needs a standard to follow with some discretion concerning holidays. City Manager Rideout has requested public workers document by taking a picture. The city pays over three hundred thousand dollars a year to the Mercer County Landfill in tipping fees. Director Ellen Light asked if there was a difference between trash and garbage. City Manager Rideout stated he was requesting clarification and guidelines for Code Enforcement by changing the language in our present code. City Attorney Cochran advised that garbage is defined in the code. Mayor Cole stated the basis of the ordinance is good but was concerned how the limit would be enforced. Mayor Cole does not want to see trash left on the street due to going over the limit. Mayor Cole stated several years ago there was a controversy concerning placing bags in a trash can. This ordinance is not being enforced and should be revisited. City Attorney Cochran stated that is what is stated in our current ordinance but an amendment could be made making any of the suggested changes. Director Michael Gibson stated the city has an annual calendar of events for citizens. A discussion was held in the work session about using discretion during these holidays when citizens might need to exceed the limit. Mayor Cole said he just felt the issue still needed work before taking action. Director Chuck McGonagle stated, as a resident, he had real concerns about the illegal dumping and felt enforcement on that issue was more important than placing a limit on paying residents. Vice Mayor Barbara Thompson Smith asked if, on the monthly bill, that the eight bag limit could be printed. City Manager Rideout stated the intent was to have a guideline or standard and would like to keep it simple. Mayor Cole asked for a vote on the motion. **The first reading of AN ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD, CHAPTER 32, SOLID WASTE; ARTICLE II, GARBAGE COLLECTION, FEES, PROHIBITED ACTS; SECTION 32-22, COLLECTION BY CITY OR PRIVATE COLLECTORS ONLY, AS SET OUT HEREINAFTER BY THE AMENDMENT TO SUBSECTION (b).** The motion passed 3-2.

Mayor Cole read the **First reading of AN ORDINANCE AUTHORIZING THE ASSIGNMENT BY THE CITY OF BLUEFIELD OF A CERTIFICATION PURCHASED AT THE DELINQUENT AND NONENTERED LANDS SALE OF AUGUST 7, 2015.** Assistant City Manager Josh Cline stated at the tax sale John Feuchtenberger bid on a piece of property and asked the city if he could use the city number. Mr. Feuchtenberger has reimbursed the city and a transfer of the property by the state auditor has been completed. This is a matter of formality providing an ordinance for this property. **Director Ellen Light made a motion to approve the First reading of AN ORDINANCE AUTHORIZING THE ASSIGNMENT BY THE CITY OF BLUEFIELD OF A CERTIFICATION PURCHASED AT THE DELINQUENT AND NONENTERED LANDS SALE OF AUGUST 7, 2015, second; unanimously approved and so ordered.**

**Second reading of AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION; ARTICLE III, FINANCE AND TAXATION; DIVISION 2, SPECIAL CHARGES FOR MUNICIPAL SERVICE; SUBDIVISION II, FIRE PROTECTION; SECTION 2-174, ESTABLISHMENT OF USER ACCOUNTS, INTEREST THEREON, BY THE AMENDMENT TO SUBSECTION (b).** City Attorney Brian Cochran stated the city changed to monthly billing. This ordinance will adjust the interest accrued to be consistent with the new billing policy. For billing convenience, the treasurer shall allow accounts to be carried to the 1<sup>st</sup> of the month following the due date. **Director Michael Gibson made a**

**motion to approve the Second reading of AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION; ARTICLE III, FINANCE AND TAXATION; DIVISION 2, SPECIAL CHARGES FOR MUNICIPAL SERVICE; SUBDIVISION II, FIRE PROTECTION; SECTION 2-174, ESTABLISHMENT OF USER ACCOUNTS, INTEREST THEREON, BY THE AMENDMENT TO SUBSECTION (b)., second; unanimously approved and so ordered.**

**Second reading of AN ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD; CHAPTER 38 TAXATION; ARTICLE II. BUSINESS FRANCHISE OR PRIVILEGE TAX, SECTION 38-24, EXEMPTIONS AND RATE RELIEF ENTERPRISE ZONES; AS SET OUT HEREINAFTER BY THE AMENDMENT OF SUBSECTION (b) (1), DEFINITIONS, AND SUBSECTION (b) (4), RESTRICTIONS.** City Attorney Brian Cochran stated this ordinance redefines the definition of a new business. **Director Ellen Light made a motion to approve the Second reading of AN ORDINANCE TO AMEND PART II, CODE OF ORDINANCES OF THE CITY OF BLUEFIELD; CHAPTER 38 TAXATION; ARTICLE II. BUSINESS FRANCHISE OR PRIVILEGE TAX, SECTION 38-24, EXEMPTIONS AND RATE RELIEF ENTERPRISE ZONES; AS SET OUT HEREINAFTER BY THE AMENDMENT OF SUBSECTION (b) (1), DEFINITIONS, AND SUBSECTION (b) (4), RESTRICTIONS, second; unanimously approved and so ordered.**

#### **OTHER**

The Board of Directors wished everyone a very Happy Thanksgiving.

**Director Michael Gibson made a motion to adjourn. The motion carried unanimously.**

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Bobbi Kersey, City Clerk

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Thomas J. Cole, Mayor